United Nations A/C.6/54/L.13/Rev.1

General Assembly

Distr.: Limited
12 November 1999

Original: English

Fifty-fourth session
Sixth Committee
Agenda item 161
Review of the Statute of the United Nations Administrative Tribunal

France, Ireland and United Kingdom of Great Britain and Northern Ireland: revised draft resolution

Review of the Statute of the United Nations Administrative Tribunal

The General Assembly,

Recalling that the United Nations Administrative Tribunal ("the Tribunal") and its members are this year celebrating the fiftieth anniversary of the Tribunal,

Acknowledging with gratitude the important contribution which the Tribunal has made to the functioning of the United Nations system, and commending the members of the Tribunal on their valuable work,

Desiring to enable the Tribunal to be as effective as possible in its future work,

1. *Decides* to amend the Statute of the Tribunal ("the Statute"), with effect from 1 January 2000, as follows:

(a) Article 3, paragraph 1, shall be amended to read as follows:

"The Tribunal shall be composed of seven independent judges, no two of whom shall be nationals of the same State, who shall be persons of high moral character and who shall possess the qualifications required in their respective countries for appointment to high judicial office or be jurisconsults of recognized competence."

(b) New paragraphs 2, 3 and 4 shall be inserted in place of article 3, paragraph 2, to read as follows:

"2. The members shall be appointed by the General Assembly for four years and may be reappointed once. A member appointed to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

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"3. The members shall be independent in the performance of their functions. They shall not engage in any activity which is likely to interfere with their judicial functions or to affect confidence in their independence.

"4. (a) The President of the Tribunal may, at the request of a member, excuse that member from the exercise of a function under the present Statute.

(b) A member shall not participate in any case in which his impartiality might reasonably be doubted on any ground. Any question as to the disqualification of a member shall be decided by the Tribunal in accordance with its rules. The challenged member shall not take part in the decision."

(c) Former paragraphs 3, 4, 5 and 6 shall be renumbered paragraphs 5, 6, 7 and 8 respectively;

(d) References in the Statute to "Executive Secretary" shall be amended to read "Registrar";

(e) Former paragraph 4 of article 3 shall be amended to read as follows:

"The Secretary-General shall provide the Tribunal with a Registrar who, in the exercise of duties under the present Statute, shall act impartially and shall be responsible to the Tribunal. The Secretary-General shall also provide the Tribunal with such other staff as may be considered necessary.";

(f) A new article 8 shall be inserted, to read as follows:

"A panel of three members of the Tribunal shall sit in any particular case, except that, where the panel considers that the case raises a significant question of law, it may, at any time before it renders its judgement, refer the case for consideration by the whole Tribunal. The quorum for a hearing by the whole Tribunal shall be five members.";

(g) Former article 8 and all subsequent articles of the Statute shall be renumbered accordingly;

(h) The pronouns "he" and "his", wherever they appear in the Statute, shall be amended to read "he or she" and "his or her" respectively;

(i) References in the Statute to "five official languages" shall be amended to read "six official languages";

2. *Also decides* that all members serving on the Tribunal on 1 January 2000 shall have their current term of office extended by one year. Thereafter, provided that they have not served on the Tribunal for more than seven years, they shall be eligible for reappointment once if they meet the requirements set out in new article 3, paragraph 1;

3. *Decides further* that the Statute, with effect from 1 January 2000, shall be worded as it appears in the annex to the present resolution.